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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,164	11/08/2005	Peter Martin Smit	130098-1000	9289
37058	7590	09/13/2007		
TIM HEADLEY GARDERE WYNNE SEWELL LLP 1000 LOUISIANA, SUITE 3400 HOUSTON, TX 77002			EXAMINER PRICE, CRAIG JAMES	
			ART UNIT	PAPER NUMBER
			3753	
			MAIL DATE	DELIVERY MODE
			09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,164

Applicant(s)

SMIT, PETER MARTIN

Examiner

Craig Price

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/29/2005, 1/3/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.84(h) (3) are required in this application because "hatching must be used to indicate section portions of an object...", see MPEP 608.02 . Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

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Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 8 -10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasugai et al. (5,402,818).

Regarding Kasugai et al. disclose a valve assembly able to be mounted with a liquid container, the valve assembly comprising, a housing (12) having a passageway that extends through the housing, a breather float valve (the assembly above 39) mounted within the housing, the breather float valve movable between an open position to allow gas to pass through the passageway and a closed position that prevents liquid

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from passing through the passageway, an liquid inlet (79), forming part of the housing, the liquid inlet allowing fluid to pass into the housing, and an inlet float valve (71) mounted within the housing, the inlet float valve movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet (the flow is prevented until the level of the fluid overcomes the weight of the float).

Regarding claim 2, Kasugai et al. disclose that the valve assembly includes a relief valve (50) that is movable between an open position and a closed position to allow pressure to be relieved from the container.

Regarding claim 3, Kasugai et al. disclose that the housing is cylindrical (Col. 5, Lns. 3-7).

Regarding claim 8, Kasugai et al. disclose that the breather float valve includes a rod (52) and breather float (32).

Regarding claim 9, Kasugai et al. disclose that a spring (53) engages the breather float valve.

Regarding claim 10, Kasugai et al. disclose that the relief valve includes a relief plate (39), a spring (31) and a cap (the top portion of 12 contacting spring 31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 –7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasugai et al. '818 in view of Mitchell (2,827,915).

Kasugai et al. disclose a fuel chamber (between 12 and 79) which is located adjacent the liquid inlet in which fuel is passed, although are silent to having an inlet float valve that includes a float and a stem, and a valve seal that is located adjacent the end of the stem, and a shelter is provided within the fuel chamber in which an end of the stem is located when the float valve assembly is in the open position.

Mitchell discloses a float valve which teaches an inlet float valve that includes a float (35) and a stem (26), and a valve seal (on the exterior of 28) that is located adjacent the end of the stem, and a shelter (13) is provided within the fuel chamber in which an end of the stem is located when the float valve assembly is in the open position.

It would have been obvious to one of ordinary skill in the art at the time of invention to employ an inlet float valve that includes a float and a stem, and a valve seal that is located adjacent the end of the stem, and a shelter is provided within the fuel chamber in which an end of the stem is located when the float valve assembly is in the open position of Mitchell into the device of Kasugai et al. in order to "block the ingress of liquid into the container" (Col. 1, Lns. 37- 49).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bronander (1,709,930), Gould (1,968,293), Allen (2,028,816), Thompson (2,278,002), Williams (2,492,123), Szlaga (4,694,847), Harris (5,156,178), Wilkes (5,308,386), Harris (5,318,069), and Benjey et al. (5,860,458) all disclose similar valves.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP



11 September 2007


JOHN RIVELL
PRIMARY EXAMINER
ART UNIT 3753
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